TENNESSEE AIR POLLUTION CONTROL BOARD
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-1531

OPERATING PERMIT (TITLE V) Issued Pursuant to Tennessee Air Quality Act

This permit fulfills the requirements of Title V of the Federal Clean Air Act (42 U.S.C. 7661a-7661e) and the federal regulations promulgated thereunder at 40 CFR Part 70. (FR Vol. 57, No. 140, Tuesday, July 21, 1992 p.32295-32312). This permit is issued in accordance with the provisions of paragraph 1200-3-9-.02(11) of the Tennessee Air Pollution Control Regulations. The permittee has been granted permission to operate an air contaminant source in accordance with emissions limitations and monitoring requirements set forth herein.

Date Issued: **********

Permit Number: **556484**

Date Expires: **********

Issued To:
Chestnut Ridge Landfill

Installation Address:

140 Fleenor Mill Road
Heiskell

Installation Description:
Municipal Solid Waste Landfill
with Landfill Gas Collection and Control System
01: (4) Reciprocating Engines (landfill gas fired)
02: Landfill

Emission Source Reference No.: **01-0170**

Renewal Application Due Date: **********

Primary SIC: 4953

Responsible Official:
Name: Glenn Youngblood
Title: Tennessee-Kentucky Regional Manager

Facility Contact Person:
Name: James Ashburn
Title: Site Manager
Phone: 865-457-7810

Information Relied Upon:
Application dated August 27, 1997 and renewal application dated May 30, 2003

(continued on the next page)

TECHNICAL SECRETARY

No Authority is Granted by this Permit to Operate, Construct, or Maintain any Installation in Violation of any Law, Statute, Code, Ordinance, Rule, or Regulation of the State of Tennessee or any of its Political Subdivisions.

POST OR FILE AT INSTALLATION ADDRESS

CONTENTS

SECTION A
GENERAL PERMIT CONDITIONS

SECTION B
GENERAL CONDITIONS for MONITORING, REPORTING, and ENFORCEMENT

CONTENTS

SECTION C
PERMIT CHANGES

SECTION D
GENERAL APPLICABLE REQUIREMENTS

CONTENTS

SECTION E

SOURCE SPECIFIC EMISSION STANDARDS, OPERATING LIMITATIONS, and MONITORING, RECORDKEEPING and REPORTING REQUIREMENTS

SECTION A
GENERAL PERMIT CONDITIONS

A permit issued under the provisions of paragraph 1200-3-9-.02(11) is a permit issued pursuant to the requirements of Title V of the Federal Act and its implementing Federal regulations promulgated at 40 CFR, Part 70.

A1. **Definitions.** Terms not otherwise defined in the permit shall have the meaning assigned to such terms in the referenced regulation.

TAPCR 1200-3

A2. **Compliance requirement.** All terms and conditions in a permit issued pursuant to paragraph 1200-3-9-.02(11) including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Federal Act.

The permittee shall comply with all conditions of its permit. Except for requirements specifically designated herein as not being federally enforceable (State Only), non-compliance with the permit requirements is a violation of the Federal Act and the Tennessee Air Quality Act and is grounds for enforcement action; for a permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. Non-compliance with permit conditions specifically designated herein as not being federally enforceable (State Only) is a violation of the Tennessee Air Quality Act and may be grounds for these actions.

TAPCR 1200-3-9-.02(11)(e)2(i) and 1200-3-9-.02(11)(e)1(vi)(I)

A3. **Need to halt or reduce activity.** The need to halt or reduce activity is not a defense for noncompliance. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. However, nothing in this item shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations.

TAPCR 1200-3-9-.02(11)(e)1(vi)(II)

A4. **The permit.** The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

TAPCR 1200-3-9-.02(11)(e)1(vi)(III)

A5. **Property rights.** The permit does not convey any property rights of any sort, or any exclusive privilege.

TAPCR 1200-3-9-.02(11)(e)1(vi)(IV)

A6. **Submittal of requested information.** The permittee shall furnish to the Technical Secretary, within a reasonable time, any information that the Technical Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or termination of the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Technical Secretary copies of records required to be kept by the permit. If the permittee claims that such information is confidential, the Technical Secretary may review that claim and hold the information in protected status until such time that the Board can hear any contested proceedings regarding confidentiality disputes. If the information is desired by EPA, the permittee may mail the information directly to EPA. Any claims of confidentiality for federal purposes will be determined by EPA.

TAPCR 1200-3-9-.02(11)(e)1(vi)(V)

A7. **Severability clause.** The requirements of this permit are severable. A dispute regarding one or more requirements of this permit does not invalidate or otherwise excuse the permittee from their duty to comply with the remaining portion of the permit.

TAPCR 1200-3-9.02(11)(e)1(v)

A8. **Fee payment.**

(a) The permittee shall pay an annual major source emission fee based upon the responsible official's choice of actual emissions or allowable emissions. An emission cap of 4,000 tons per year per regulated pollutant per major source SIC Code shall apply to actual or allowable based emission fees. A major source annual emission fee will not be charged for emissions in excess of the cap (s) or for carbon monoxide.

(b) Major sources who have filed a timely, complete operating permit application in accordance with 1200-3-9-.02(11), shall pay allowable emission based fees until the beginning of the next annual accounting period following receipt of their major source operating permit. At that time, the permittee shall begin paying their annual emission fee based upon their choice of actual or allowable based fees, or mixed actual and allowable based fees as stated under SECTION E of this permit. Once permitted, altering the existing choice shall be accomplished by a written request of the major source, filed in the office of the Technical Secretary at least one hundred eighty days prior to the expiration or reissuance of the major source operating permit.

(c) Major sources must conform to the following requirements with respect to fee payments:

1. If a major source choosing an allowable based annual emission fee wishes to restructure its allowable emissions for the purposes of lowering its annual emission fees, a mutually agreed upon, more restrictive regulatory requirement may be established to minimize the allowable emissions and thus the annual emission fee. The more restrictive requirement must be specified on the permit, and must include the method used to determine compliance with the limitation. The documentation procedure to be followed by the major source must also be included to insure that the limit is not exceeded. Restructuring the allowable emissions is permissible only in the annual accounting periods of eligibility and only, if the written request for restructuring is filed with the Technical Secretary at least 120 days prior to the beginning of the annual accounting period of eligibility. These periods of eligibility occur upon expiration of the initial major source operating permit, renewal of an expired major source operating permit or reissuance of a major source operating permit.

2. Beginning with the annual accounting period beginning July 1, 1997 to June 30, 1998, major sources paying on allowable based emission fees will be billed by the Division no later than April 1 prior to the end of the accounting period. The major source annual emission fee is due July 1 following the end of the accounting period.

3. Beginning with the annual accounting period beginning July 1, 1997 to June 30, 1998, major sources choosing an actual based annual emission fee shall file an actual emissions analysis with the Technical Secretary which summarizes the actual emissions of all regulated pollutants at the air contaminant sources of their facility. Based upon the actual emissions analysis, the source shall calculate the fee due and submit the payment and the analysis each July 1st following the end of the annual accounting period.

4. Beginning with the annual accounting period beginning July 1,1997 to June 30, 1998, major sources choosing a mixture of allowable and actual based emission fees shall file an actual emissions and allowable emissions analysis with the Technical Secretary which summarizes the actual and allowable emissions of all regulated pollutants at the air contaminant sources of their facility. Based upon the analysis, the source shall calculate the fee due and submit the payment and the analysis each July 1st following the end of the annual accounting period.

The mixed based fee shall be calculated utilizing the 4,000 ton cap specified in subparagraph 1200-3-26-.02(2)(i). In determining the tonnages to be applied toward the regulated pollutant 4,000 ton cap in a mixed based fee, the source shall first calculate the actual emission based fees for a regulated pollutant and apply that tonnage toward the regulated pollutant's cap. The remaining tonnage available in the 4,000 ton category of a regulated pollutant shall be subject to allowable emission based fee calculations for the sources that were not included in the actual emission based fee calculations. Once the 4,000 ton cap has been reached for a regulated pollutant, no additional fee shall be required.

5. Major sources choosing to pay their major source annual emission fee based on actual based emissions or a mixture of allowable and actual based emissions may request an extension of time to file their emissions analysis with the Technical Secretary. The extension may be granted by the Technical Secretary up to ninety (90) days. The request for extension must be postmarked no later than July 1 or the request for extension shall be denied. The request for extension to file must state the reason and give an adequate explanation.

An estimated annual emission fee payment of no less than eighty percent (80%) of the fee due July 1 must accompany the request for extension to avoid penalties and interest on the underpayment of the annual emission fee. A remaining balance due must accompany the emission analysis. If there has been an overpayment, a refund may be requested in writing to the Division or be applied as a credit toward next year's major source annual emission fee. The request for extension of time is not available to major sources choosing to pay their major source annual emission fee based on allowable emissions.

6. Newly constructed major sources or minor existing sources modifying their operations such that they become a major source in the midst of the standard July 1st to June 30th annual accounting period, shall pay allowable based annual emission fees for the fractional remainder of the annual accounting period commencing upon their start-up. At the beginning of the next annual accounting period, the "responsible official" of the source may choose to pay annual emission fees based on actual or allowable emissions or a mixture of the two as provided for in this rule 1200-3-26-.02.

(d) Where more than one (1) allowable emission limit is applicable to a regulated pollutant, the allowable emissions for the regulated pollutants shall not be double counted. Major sources subject to the provisions of paragraph 1200-3-26-.02(9) shall apportion their emissions as follows to ensure that their fees are not double counted.

1. Sources that are subject to federally promulgated hazardous air pollutant standards that can be imposed under Chapter 1200-3-11 or Chapter 1200-3-31 will place such regulated emissions in the specific hazardous air pollutant under regulation. If the pollutant is also in the family of volatile organic compounds or the family of particulates, the pollutant shall not be placed in that respective family category.

2. A miscellaneous category of hazardous air pollutants shall be used for hazardous air pollutants listed at part 1200-3-26-.02(2)(i)12 that do not have an allowable emission standard. A pollutant placed in this category shall not be subject to being placed in any other category such as volatile organic compounds or particulates.

3. Each individual hazardous air pollutant and the miscellaneous category of hazardous air pollutants is subject to the 4,000 ton cap provisions of subparagraph 1200-3-26-.02(2)(i).

4. Major sources that wish to pay annual emission fees for PM_{10} on an allowable emission basis may do so if they have a specific PM_{10} allowable emission standard. If a major source has a total particulate emission standard, but wishes to pay annual emission fees on an actual PM_{10} emission basis, it may do so if the PM_{10} actual emission levels are proven to the satisfaction of the Technical Secretary. The method to demonstrate the actual PM_{10} emission levels must be made as part of the source's major source operating permit in advance in order to exercise this option. The PM_{10} emissions reported under these options shall not be subject to fees under the family of particulate emissions. The 4,000 ton cap provisions of subparagraph 1200-3-26-.02(2)(i) shall also apply to PM_{10} emissions.

TAPCR 1200-3-26-.02 (3) and (9) and 1200-3-9-.02(11)(e)1(vii)

A9. **Permit revision not required.** A permit revision will not be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or process for changes that are provided for in the permit.

TAPCR 1200-3-9-.02(11)(e)1(viii)

A10. **Inspection and entry.** Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Technical Secretary or his authorized representative to perform the following for the purposes of determining compliance with the permit applicable requirements:

(a) Enter upon, at reasonable times, the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(d) As authorized by the Clean Air Act and Chapter 1200-3-10 of TAPCR, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(e) "Reasonable times" shall be considered to be customary business hours unless reasonable cause exists to suspect noncompliance with the Act, Division 1200-3 or any permit issued pursuant thereto and the Technical Secretary specifically authorizes an inspector to inspect a facility at any other time.

TAPCR 1200-3-9-.02(11)(e)3.(ii)

A11. **Permit shield.**

(a) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date of permit issuance, provided that:

1. Such applicable requirements are included and are specifically identified in the permit; or

2. The Technical Secretary, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(b) Nothing in this permit shall alter or affect the following:

1. The provisions of section 303 of the Federal Act (emergency orders), including the authority of the Administrator under that section. Similarly, the provisions of T.C.A. §68-201-109 (emergency orders) including the authority of the Governor under the section;

2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

3. The applicable requirements of the acid rain program, consistent with section 408(a) of the Federal Act; or

4. The ability of EPA to obtain information from a source pursuant to section 114 of the Federal Act.

(c) Permit shield is granted to the permittee.

A12. Permit renewal and expiration.

(a) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted at least 180 days, but no more than 270 days prior to the expiration of this permit.

(b) Provided that the permittee submits a timely and complete application for permit renewal the source will not be considered in violation of paragraph 1200-3-9-.02(11) until the Technical Secretary takes final action on the permit application, except as otherwise noted in paragraph 1200-3-9-.02(11).

(c) This permit, its shield provided in Condition A11, and its conditions will be extended and effective after its expiration date provided that the source has submitted a timely, complete renewal application to the Technical Secretary.

TAPCR 1200-3-9-.02(11)(f)3 and 2, 1200-3-9-.02(11)(d)1(i)(III), and 1200-3-9-.02(11)(a)2

A13. Reopening for cause.

(a) A permit shall be reopened and revised prior to the expiration of the permit under any of the circumstances listed below:

1. Additional applicable requirements under the Federal Act become applicable to the sources contained in this permit provided the permit has a remaining term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the permit expiration date of this permit, unless the original has been extended pursuant to 1200-3-9-.02(11)(a)2.

2. Additional requirements become applicable to an affected source under the acid rain program.

3. The Technical Secretary or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

4. The Technical Secretary or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(b) Proceedings to reopen and issue a permit shall follow the same proceedings as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists, and not the entire permit. Such reopening shall be made as expeditiously as practicable.

(c) Reopenings for cause shall not be initiated before a notice of such intent is provided to the permittee by the Technical Secretary at least 30 days in advance of the date that the permit is to be reopened except that the Technical Secretary may provide a shorter time period in the case of an emergency. An emergency shall be established by the criteria of T.C.A. 68-201-109 or other compelling reasons that public welfare is being adversely affected by the operation of a source that is in compliance with its permit requirements.

(d) If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit as identified in A13, he is required under federal rules to notify the Technical Secretary and the permittee of such findings in writing. Upon receipt of such notification, the Technical Secretary shall investigate the matter in order to determine if he agrees or disagrees with the Administrator's findings. If he agrees with the Administrator's findings, the Technical Secretary shall conduct the reopening in the following manner:

1. The Technical Secretary shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. If the Administrator grants additional time to secure permit applications or additional information from the permittee, the Technical Secretary shall have the additional time period added to the standard 90 day time period.

2. EPA will evaluate the Technical Secretary's proposed revisions and respond as to their evaluation.

3. If EPA agrees with the proposed revisions, the Technical Secretary shall proceed with the reopening in the same manner prescribed under Condition A13 (b) and Condition A13 (c).

4. If the Technical Secretary disagrees with either the findings or the Administrator that a permit should be reopened or an objection of the Administrator to a proposed revision to a permit submitted pursuant to Condition A13(d), he shall bring the matter to the Board at its next regularly scheduled meeting for instructions as to how he should proceed. The permittee shall be required to file a written brief expressing their position relative to the Administrator's objection and have a responsible official present at the meeting to answer questions for the Board. If the Board agrees that EPA is wrong in their demand for a permit revision, they shall instruct the Technical Secretary to conform to EPA's demand, but to issue the permit under protest preserving all rights available for litigation against EPA.

TAPCR 1200-3-9-.02(11)(f)6 and 7.

A14. **Permit transference.** An administrative permit amendment allows for a change of ownership or operational control of a source where the Technical Secretary determines that no other change in the permit is necessary, provided that the following requirements are met:

(a) Transfer of ownership permit application is filed consistent with the provisions of 1200-3-9-.03(6), and

(b) written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Technical Secretary.

TAPCR 1200-3-9-.02(11)(f)4(i)(IV) and 1200-3-9-.03(6)

A15. **Air pollution alert.** When the Technical Secretary has declared that an air pollution alert, an air pollution warning, or an air pollution emergency exists, the permittee must follow the requirements for that episode level as outlined in TAPCR 1200-3-9-.03(1) and TAPCR 1200-3-15-.03.

A16. **Construction permit required.** Except as exempted in TAPCR 1200-3-9-.04 or excluded in subparagraph TAPCR 1200-3-2-.01(aa) or subparagraph TAPCR 1200-3-2-.01(1)(cc), this facility shall not begin the construction of a new air contaminant source or the modification of an air contaminant source which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a construction permit for the construction or modification of such air contaminant source. The construction and operation of landfill waste disposal cells and landfill gas flares are exempt from the permitting requirements of this condition, except as the landfill operation may be regulated by the applicable requirements of TAPCR 1200-3-16-.76 and 40 CFR 60, Subpart WWW.

TAPCR 1200-3-9-.01(1)(a)

A17. **Notification of changes.** The permittee shall notify the Technical Secretary 30 days prior to commencement of any of the following changes to an air contaminant source which would not be a modification requiring a construction permit.

(a) change in air pollution control equipment

(b) change in stack height or diameter

(c) change in exit velocity of more than 25 percent or exit temperature of more than 15 percent based on absolute temperature.

TAPCR 1200-3-9-.02(7)

A18. **Schedule of compliance.** The permittee will comply with any applicable requirement that becomes effective during the permit term on a timely basis. If the permittee is not in compliance the permittee must submit a schedule for coming into compliance which must include a schedule of remedial measure(s), including an enforceable set of deadlines for specific actions.
TAPCR 1200-3-9-.02(11)(d)3 and 40 CFR Part 70.5(c)

A19. **Title VI.**

(a) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR, Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to Section 82.156.

2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to Section 82.158.

3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to Section 82.161.

(b) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone depleting substance refrigerant in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR, Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

(c) The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program(SNAP) promulgated pursuant to 40 CFR, Part 82, Subpart G, Significant New Alternatives Policy Program.

A20. **112 (r).** The permittee shall comply with the requirement to submit to the Administrator or designated State Agency a risk management plan, including a registration that reflects all covered processes, by June 21, 1999, if the permittee's facility is required pursuant to 40 CFR, 68, to submit such a plan.

SECTION B

GENERAL CONDITIONS for MONITORING, REPORTING, and ENFORCEMENT

B1. **Recordkeeping.** Monitoring and related record keeping shall be performed in accordance with the requirements specified in the permit conditions for each individual permit unit. In no case shall reports of any required monitoring and record keeping be submitted less frequently than at least 180 days.

(a) Where applicable, records of required monitoring information include the following:

1. The date, place as defined in the permit, and time of sampling or measurements;
2. The date(s) analyses were performed;
3. The company or entity that performed the analysis;
4. The analytical techniques or methods used;
5. The results of such analyses; and
6. The operating conditions as existing at the time of sampling or measurement.

(b) Digital data accumulation which utilizes valid data compression techniques shall be acceptable for compliance determination as long as such compression does not violate an applicable requirement and its use has been approved in advance by the Technical Secretary.

TAPCR 1200-3-9-.02(11)(e)1(iii)

B2. **Retention of monitoring data.** The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

TAPCR 1200-3-9.02(11)(e)1(iii)(II)II

B3. **Reporting.** Reports of any required monitoring and record keeping shall be submitted to the Technical Secretary in accordance with the frequencies specified in the permit conditions for each individual permit unit. Reports shall be submitted within 60 days of the close of the reporting period unless otherwise noted. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official. Reports required under "State only requirements" are not required to be certified by a responsible official.

TAPCR 1200-3-9-.02(11)(e)1(iii)

B4. **Certification.** Except for reports required under “State Only” requirements, any application form, report or compliance certification submitted pursuant to the requirements of this permit shall contain certification by a responsible official of truth, accuracy and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

TAPCR 1200-3-9-.02(11)(d)4

B5. **Annual compliance certification.** The permittee shall submit annually compliance certifications with terms and conditions contained in Sections A, B, D and E of this permit, including emission limitations, standards, or work practices. This compliance certification shall include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(a) The identification of each term or condition of the permit that is the basis of the certification;

(b) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period;

(c) Whether such method(s) or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required by this permit If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Act, which prohibits knowingly making a false certification or omitting material information;

(d) The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in B5(b) above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion* or exceedance** as defined below occurred; and

(e) Such other facts as the Technical Secretary may require to determine the compliance status of the source.

* "Excursion" shall mean a departure from an indicator range established for monitoring under this paragraph, consistent with any averaging period specified for averaging the results of the monitoring.

** "Exceedance" shall mean a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

40 CFR Part 70.6(c)(5)(iii) as amended in the Federal Register Vol.62, No.204, October 22, 1997, pages 54946 and 54947

B6. **Submission of compliance certification.** The compliance certification shall be submitted to:

The Technical Secretary Division of Air Pollution Control ATTN: East Tennessee Permit Program 9th Floor, L & C Annex 401 Church Street Nashville, Tennessee 37243-1531	and	Air and EPCRA Enforcement Branch US EPA Region IV 61 Forsyth Street, SW Atlanta, Georgia 30303

TAPCR 1200-3-9-.02(11)(e)3(v)(IV)

B7. **Emergency provisions.** An emergency constitutes an affirmative defense to an enforcement action brought against this source for noncompliance with a technology based emission limitation due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(a) The affirmative defense of the emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An emergency occurred and that the permittee can identify the probable cause(s) of the emergency. "Probable" must be supported by a credible investigation into the incident that seeks to identify the causes and results in an explanation supported by generally accepted engineering or scientific principles.

2. The permitted source was at the time being properly operated. In determining whether or not a source was being properly operated, the Technical Secretary shall examine the source's written standard operating procedures which were in effect at the time of the noncompliance and any other code as detailed below that would be relevant to preventing the noncompliance. Adherence to the source's standard operating procedures will be the test of adequate preventative maintenance, careless operation, improper operation or operator error to the extent that such adherence would prevent noncompliance. The source's failure to follow recognized standards of practice to the extent that adherence to such a standard would have prevented noncompliance will disqualify the source from any claim of an emergency and an affirmative defense.

3. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

4. The permittee submitted notice of the emergency to the Technical Secretary according to the notification criteria for malfunctions in rule 1200-3-20-.03. For the purposes of this condition, "emergency" shall be substituted for "malfunction(s)" in rule 1200-3-20-.03 to determine the relevant notification threshold. The notice shall include a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(c) The provisions of this condition are in addition to any emergency, malfunction or upset requirement contained in Division 1200-3 or other applicable requirement.

TAPCR 1200-3-9-.02(11)(e)7

B8. **Excess emissions reporting.**

(a) The permittee shall promptly notify the Technical Secretary when any emission source, air pollution control equipment, or related facility breaks down in such a manner to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-3 or any permit issued thereto, or of sufficient duration to cause damage to property or public health. The permittee must provide the Technical Secretary with a statement giving all pertinent facts, including the estimated duration of the breakdown. Violations of the visible emission standard which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be

notified when the condition causing the failure or breakdown has been corrected. In attainment and unclassified areas if emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required.

(b) Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

(c) A log of all malfunctions, startups, and shutdowns resulting in emissions in excess of the standards in Division 1200-3 or any permit issued thereto must be kept at the plant. All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected. Any later discovered corrections can be added in the log as footnotes with the reason given for the change. This log must record at least the following:

1. Stack or emission point involved
2. Time malfunction, startup, or shutdown began and/or when first noticed
3. Type of malfunction and/or reason for shutdown
4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation
5. The company employee making entry on the log must sign, date, and indicate the time of each log entry

The information under items 1. and 2. must be entered into the log by the end of the shift during which the malfunction or startup began. For any source utilizing continuous emission(s) monitoring, continuous emission(s) monitoring collection satisfies the above log keeping requirement.

TAPCR 1200-3-20-.03 and .04

B9. **Malfunctions, startups and shutdowns - reasonable measures required.** The permittee must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions. This provision does not apply to standards found in 40 CFR, Parts 60(Standards of performance for new stationary sources), 61(National emission standards for hazardous air pollutants) and 63(National emission standards for hazardous air pollutants for source categories).

TAPCR 1200-3-20-.02

B10. **Sources located in non-attainment areas or having significant impact on air quality in a non-attainment area.** The owner or operator of all sources located in non-attainment areas or having a significant impact on air quality in a non-attainment area (for the pollutant designated) must submit a report to the Technical Secretary within thirty (30) days after the end of each calendar quarter listing the times at which malfunctions, startups and/or shutdowns, which resulted in emissions greater than any applicable emission limits and the estimated amount of emissions discharged during such times. This report shall also include total emissions during the quarter and be reported in a format specified by the Technical Secretary.

TAPCR 1200-3-20-.04(2)

B11. **Report required upon the issuance of a notice of violation for excess emissions.** The permittee must submit within twenty (20) days after receipt of the notice of violation, the data shown below to assist the Technical Secretary in deciding whether to excuse or validate the violation. If this data has previously been available to the Technical Secretary prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this must be submitted within the same twenty (20) day time period. The minimum data requirements are:

(a) The identity of the stack and/or other emission point where the excess emission(s) occurred;

(b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(c) The time and duration of the emissions;

(d) The nature and cause of such emissions;

(e) For malfunctions, the steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;

(f) The steps taken to limit the excess emissions during the occurrence reported, and

(g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good operating practices for minimizing emissions.

Failure to submit the required report within the twenty (20) day period specified shall preclude the admissibility of the data for consideration of excusal for malfunctions.

TAPCR 1200-3-20-.06(2),(3) and (4)

SECTION C

PERMIT CHANGES

C1. **Operational flexibility changes.** The source may make operational flexibility changes that are not addressed or prohibited by the permit without a permit revision subject to the following requirements:

(a) The change cannot be subject to a requirement of Title IV of the Federal Act or Chapter 1200-3-30.

(b) The change cannot be a modification under any provision of Title I of the federal Act or Division 1200-3.

(c) Each change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(d) The source must provide contemporaneous written notice to the Technical Secretary and EPA of each such change, except for changes that are below the threshold of levels that are specified in Rule 1200-3-9-.04.

(e) Each change shall be described in the notice including the date, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.

(f) The change shall not qualify for a permit shield under the provisions of part 1200-3-9-.02(11)(e)6.

(g) The permittee shall keep a record describing the changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes. The records shall be retained until the changes are incorporated into subsequently issued permits.

TAPCR 1200-3-9-.02(11)(a)4 (ii)

C2. **Section 502(b)(10) changes.**

(a) The permittee can make certain changes without requiring a permit revision, if the changes are not modifications under Title I of the Federal Act or Division 1200-3 and the changes do not exceed the emissions allowable under the permit. The permittee must, however, provide the Administrator and Technical Secretary with written notification within a minimum of 7 days in advance of the proposed changes. The Technical Secretary may waive the 7 day advance notice in instances where the source demonstrates in writing that an emergency necessitates the change. Emergency shall be demonstrated by the criteria of TAPCR 1200-3-9-.02(11)(e)7 and in no way shall it include changes solely to take advantages of an unforeseen business opportunity. The Technical Secretary and EPA shall attach each such notice to their copy of the relevant permit.

(b) The written notification must include the following:

1. brief description of the change within the permitted facility;

2. specifies the date on which the change will occur;

3. declares any change in emissions; and

4. declares any permit term or condition that is no longer applicable as a result of the change.

(c) The permit shield provisions of TAPCR 1200-3-9-.02(11)(e)6 shall not apply to Section 502(b)(10) changes.

TAPCR 1200-3-9-.02(11)(a)4 (i)

C3. **Administrative amendment.**

(a) Administrative permit amendments to this permit shall be in accordance with 1200-3-9-.02(11)(f)4. The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(b) The permit shield shall be extended as part of an administrative permit amendment revision consistent with the provisions of TAPCR 1200-3-9-.02(11)(e)6 for such revisions made pursuant to item (c) of this condition which meet the relevant requirements of TAPCR 1200-3-9-.02(11)(e), TAPCR 1200-3-9-.02(11)(f) and TAPCR 1200-3-9-.02(11)(g) for significant permit modifications.

(c) Proceedings to review and grant administrative permit amendments shall be limited to only those parts of the permit for which cause to amend exists, and not the entire permit.

TAPCR 1200-3-9-.02(11)(f)4

C4. **Minor permit modifications.**

(a) The permittee may submit an application for a minor permit modification in accordance with TAPCR 1200-3-9-.02(11)(f)5(ii).

(b) The permittee may make the change proposed in its minor permit modification immediately after an application is filed with the Technical Secretary.

(c) Proceedings to review and modify permits shall be limited to only those parts of the permit for which cause to modify exists, and not the entire permit.

(d) Minor permit modifications do not qualify for a permit shield.

TAPCR 1200-3-9-.02(11)(f)5(ii)

C5. **Significant permit modifications.**

(a) The permittee may submit an application for a significant modification in accordance with TAPCR 1200-3-9-.02(11)(f)5(iv).

(b) Proceedings to review and modify permits shall be limited to only those parts of the permit for which cause to modify exists, and not the entire permit.

TAPCR 1200-3-9-.02(11)(f)5(iv)

C6. **New construction or modifications.**

Future construction at this source that is subject to the provisions of TAPCR 1200-3-9-.01 shall be governed by the following:

(a) The permittee shall designate in their construction permit application the route that they desire to follow for the purposes of incorporating the newly constructed or modified sources into their existing operating permit. The Technical Secretary shall use that information to prepare the operating permit application submittal deadlines in their construction permit.

(b) Sources desiring the permit shield shall choose the administrative amendment route of TAPCR 1200-3-9-.02(11)(f)4 or the significant modification route of TAPCR 1200-3-9-.02(11)(f)5(iv).

(c) Sources desiring expediency instead of the permit shield shall choose the minor permit modification procedure route of TAPCR 1200-3-9-.02(11)(f)5(ii) or group processing of minor modifications under the provisions of TAPCR 1200-3-9-.02(11)(f)5(iii) as applicable to the magnitude of their construction.

TAPCR 1200-3-9-.02(11)(d) 1(i)(V)

SECTION D

GENERAL APPLICABLE REQUIREMENTS

D1. **Visible emissions.** With the exception of air emission sources exempt from the requirements of TAPCR Chapter 1200-3-5 and air emission sources for which a different opacity standard is specifically provided elsewhere in this permit, the permittee shall not cause, suffer, allow or permit discharge of a visible emission from any air contaminant source with an opacity in excess of twenty (20) percent for an aggregate of more than five (5) minutes in any one (1)hour or more than twenty (20) minutes in any twenty-four (24) hour period; provided, however, that for fuel burning installations with fuel burning equipment of input capacity greater than 600 million btu per hour, the permittee shall not cause, suffer, allow, or permit discharge of a visible emission from any fuel burning installation with an opacity in excess of twenty (20) percent (6-minute average) except for one six minute period per one (1) hour of not more than forty (40) percent opacity. Sources constructed or modified after July 7, 1992 shall utilize 6-minute averaging.

Consistent with the requirements of TAPCR Chapter 1200-3-20, due allowance may be made for visible emissions in excess of that permitted under TAPCR 1200-3-5 which are necessary or unavoidable due to routine startup and shutdown conditions. The facility shall maintain a continuous, current log of all excess visible emissions showing the time at which such conditions began and ended and that such record shall be available to the Technical Secretary or his representative upon his request.

TAPCR 1200-3-5-.01(1), TAPCR 1200-3-5-.03(6) and TAPCR 1200-3-5-.02(1)

D2. **General provisions and applicability for non-process gaseous emissions.** Any person constructing or otherwise establishing a non-portable air contaminant source emitting gaseous air contaminants after April 3, 1972, or relocating an air contaminant source more than 1.0 km from the previous position after November 6, 1988, shall install and utilize the best equipment and technology currently available for controlling such gaseous emissions.

TAPCR 1200-3-6-.03(2)

D3. **Non-process emission standards.** The permittee shall not cause, suffer, allow, or permit particulate emissions from non-process sources in excess of the standards in TAPCR 1200-3-6.

D4. **General provisions and applicability for process gaseous emissions.** Any person constructing or otherwise establishing an air contaminant source emitting gaseous air contaminants after April 3, 1972, or relocating an air contaminant source more than 1.0 km from the previous position after November 6, 1988, shall install and utilize equipment and technology which is deemed reasonable and proper by the Technical Secretary.

TAPCR 1200-3-7-.07(2)

D5. **Particulate emissions from process emission sources.** The permittee shall not cause, suffer, allow, or permit particulate emissions from process sources in excess of the standards in TAPCR 1200-3-7.

D6. **Sulfur dioxide emission standards.** The permittee shall not cause, suffer, allow, or permit Sulfur dioxide emissions from process and non-process sources in excess of the standards in TAPCR 1200-3-14. Regardless of the specific emission standard, new process sources shall utilize the best available control technology as deemed appropriate by the Technical Secretary of the Tennessee Air Pollution Control Board.

D7. **Fugitive Dust.**

(a) The permittee shall not cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in demolition of existing buildings or structures, construction operations, grading of roads, or the clearing of land;

2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, material stock piles, and other surfaces which can create airborne dusts;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

(b) The permittee shall not cause, suffer, allow, or permit fugitive dust to be emitted in such manner to exceed five (5) minutes per hour or twenty (20) minutes per day as to produce a visible emission beyond the property line of the property on which the emission originates, excluding malfunction of equipment as provided in Chapter 1200-3-20.

TAPCR 1200-3-8

D8. **Open burning.** The permittee shall comply with the TAPCR 1200-3-4-.04 for all open burning activities at the facility.

TAPCR 1200-3-4

D9. **Asbestos.** Where applicable, the permittee shall comply with the requirements of 1200-3-11-.02(d) when conducting any renovation or demolition activities at the facility.

TAPCR 1200-3-11-.02(d) and 40 CFR, Part 61

D10. **Annual certification of compliance.** The generally applicable requirements set forth in Section D of this permit are intended to apply to activities and sources that are not subject to source-specific applicable requirements contained in State of Tennessee and U.S. EPA regulations. By annual certification of compliance, the permittee shall be considered to meet the monitoring and related record keeping and reporting requirements of TAPCR 1200-3-9-.02(11)(e)1.(iii) and 1200-3-10-.04(2)(b)1 and compliance requirements of TAPCR 1200-3-9-.02(11)(e)3.(i). The permittee shall submit compliance certification for these conditions annually.

Revised 1/03

SECTION E

SOURCE SPECIFIC EMISSION STANDARDS, OPERATING LIMITATIONS, and MONITORING, RECORDKEEPING and REPORTING REQUIREMENTS

01-0170	**Facility Description:**	Chestnut Ridge Landfill is a municipal solid waste landfill located in Heiskell. The landfill is subject to the NSPS requirements of TAPCR 1200-3-16-.76 and 40 CFR 60, Subpart WWW for Municipal Solid Waste Landfills. The landfill is also subject to the MACT requirements of 40 CFR 63 Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, after January 16, 2004. The landfill began receiving waste in September, 1980 and 181 acres of the facility are permitted for waste disposal. Chestnut Ridge Landfill operates a gas collection and control system. The collected gas is routed to either one or more open utility flares or a treatment system at the on-site gas plant. Treated landfill gas is used at the four internal combustion engines. An enclosed flare for control of gas emissions from soil wells and leachate collection risers remote from the landfill footprint is not considered part of the landfill NSPS gas collection and control scheme.

Conditions E1 and E2 apply to all sources contained in this permit unless otherwise specified.

E1. **Fee payment: actual emissions basis.**

FEE EMISSIONS SUMMARY TABLE FOR MAJOR SOURCE 01-0170

REGULATED POLLUTANTS	ALLOWABLE EMISSIONS (tons per AAP)	ACTUAL EMISSIONS (tons per AAP)	COMMENTS
PARTICULATE MATTER (PM)	**N/A**	**AEAR**	**See Notes Below******
PM_{10}	**N/A**	**N/A**	
SO_2	**N/A**	**AEAR**	**See Notes Below******
VOC	**N/A**	**AEAR**	**See Notes Below******
NO_X	**N/A**	**AEAR**	**See Notes Below******
CATEGORY OF MISCELLANEOUS HAZARDOUS AIR POLLUTANTS (HAP WITHOUT A STANDARD)*			
VOC FAMILY GROUP	**N/A**	**N/A**	**See Notes Below******
NON-VOC GASEOUS GROUP	**N/A**	**N/A**	**See Notes Below******
PM FAMILY GROUP	**N/A**	**N/A**	
CATEGORY OF SPECIFIC HAZARDOUS AIR POLLUTANTS (HAP WITH A STANDARD)**			
VOC FAMILY GROUP	**N/A**	**N/A**	
NON-VOC GASEOUS GROUP	**N/A**	**N/A**	
PM FAMILY GROUP	**N/A**	**N/A**	
CATEGORY OF NSPS POLLUTANTS NOT LISTED ABOVE***			
EACH NSPS POLLUTANT NOT LISTED ABOVE	**N/A**	**N/A**	

NOTES

AAP The **Annual Accounting Period** (**AAP**) is a twelve (12) consecutive month period that **begins each July 1st and ends June 30th of the following year**. The **present Annual Accounting Period began July 1, 2004 and ends June 30, 2005.** The **next Annual Accounting Period begins July 1, 2005 and ends June 30, 2006.**

N/A **N/A** indicates that no emissions are specified for fee computation.

AEAR **AEAR** indicates that an **A**ctual **E**missions **A**nalysis is **R**equired to determine the actual emissions of:

(1) **each regulated pollutant** (Particulate matter, SO_2, VOC, NO_X and so forth. See TAPCR 1200-3-26-.02(2)(i) for the definition of a regulated pollutant.),

(2) **each pollutant group** (VOC Family, Non-VOC Gaseous, and Particulate Family), and

(3) the **Miscellaneous HAP Category**

under consideration during the **Annual Accounting Period**.

***** **Category Of Miscellaneous HAP (HAP Without A Standard):** This category is made-up of hazardous air pollutants that do not have a Federal or State standard. Each HAP is classified into one of three groups, the **VOC Family** group**, the Non-VOC Gaseous** group**,** or the **Particulate (PM) Family** group**. For fee computation**, the **Miscellaneous HAP Category** is subject to the 4,000 ton cap provisions of subparagraph 1200-3-26-.02(2)(i).

****** **Category Of Specific HAP (HAP With A Standard):** This category is made-up of hazardous air pollutants (HAP) that are subject to Federally promulgated Hazardous Air Pollutant Standards that can be imposed under Chapter 1200-3-11 or Chapter 1200-3-31. Each individual hazardous air pollutant is classified into one of three groups, the **VOC Family** group**, the Non-VOC Gaseous** group**,** or the **Particulate (PM) Family** group**. For fee computation**, each individual hazardous air pollutant of the **Specific HAP Category** is subject to the 4,000 ton cap provisions of subparagraph 1200-3-26-.02(2)(i).

******* **Category Of NSPS Pollutants Not Listed Above:** This category is made-up of each **N**ew **S**ource **P**erformance **S**tandard (**NSPS**) pollutant whose emissions are not included in the **PM**, **SO_2, VOC** or **NO_X** emissions from each source in this permit. **For fee computation**, each **NSPS pollutant not listed above** is subject to the 4,000 ton cap provisions of subparagraph 1200-3-26-.02(2)(i).

******** **PM, SO_2, VOC, and NO_X of Fee Table:** Includes uncollected/ uncontrolled emissions from landfill and controlled emissions from I.C. engines only. Emissions from flares not included for fees.
HAP of Fee Table: negligible amounts of HAPs may be emitted per AP-42 emission factors.

END NOTES

The permittee shall:

(1) Pay major source annual **actual based emission fees**, as requested by the responsible official, beginning July 1, **2004** of the **current annual accounting period**.

(2) Prepare an **actual emissions analysis** beginning July 1, **2004** in accordance with the above **Fee Emissions Summary Table.** The **actual emissions analysis** shall include:

(a) the completed **Fee Emissions Summary Table**, **and**

(b) each **AEAR** required by the above **Fee Emissions Summary Table.** Methodology for calculation of AEAR will follow the emissions inventory and calculations methods described on pages 9-14 of the permittee's application of August 26, 1997 (Attachment 1 of this permit).

(3) Submit the **actual emissions analysis** at the time the fees are paid in full.

(4) Calculate the fee due based upon the **actual emissions analysis**, and submit the payment on July 1st following the end of the **annual accounting period**. If any part of any fee imposed under TAPCR 1200-3-26-.02 is not paid within fifteen (15) days of the due date, penalties shall at once accrue as specified in TAPCR 1200-3-26-.02(8). Major sources may request an extension of time to file their emissions analysis with the Technical Secretary as specified in Condition A8(c)5 of this permit. Emissions for regulated pollutants shall not be double counted as specified in Condition A8(d) of this permit.

Payment of the fee due and the actual emissions analysis shall be submitted to The Technical Secretary at the address in Condition E2(b) of this permit.

TAPCR 1200-3-26-.02 (3) and (9), and 1200-3-9-.02(11)(e)1 (iii) and (vii)

E2. **Reporting requirements**.

(a) **Semiannual reports.** Reporting periods shall be January 1 to June 30 and July 1 to December 31 of each calendar year. The Semiannual reports shall be submitted within 60 days after the end of each June 30 and December 31 of each year. All instances of deviations from permit requirements must be clearly identified in these reports and the reports must be certified by a responsible official.

Semiannual reports of this facility (***01-0170***) shall include:

(1) Reports of any monitoring and recordkeeping required by Conditions ***E4-3, E4-5, E4-8, E4-12, E4-14, and E4-15*** of this permit. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance. All data shall be presented in a clear, legible format that allows the Technical Secretary to evaluate compliance.

(2) Any applicable semiannual reports otherwise required by 40 CFR Part 60 (Standards of Performance for New Stationary Sources) or 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) may be submitted as a part of the semiannual report required by Condition E2-1(a) of this permit. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

(3) Identification of all instances of deviations from **ALL PERMIT REQUIREMENTS**.

These reports shall be submitted to The Technical Secretary at the address in Condition E2(b) of this permit.

TAPCR 1200-3-9-.02(11)(e)1.(iii)

(b) **Annual compliance certification.** The permittee shall submit annually compliance certifications with terms and conditions contained in Sections A, B, D and E of this permit, including emission limitations, standards, or work practices. This compliance certification shall include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(1) The identification of each term or condition of the permit that is the basis of the certification;

(2) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period;

(3) Whether such method(s) or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required by this permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Act, which prohibits knowingly making a false certification or omitting material information;

(4) The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in E2-1(b)2 above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an *excursion or **exceedance as defined below occurred; and

(5) Such other facts as the Technical Secretary may require to determine the compliance status of the source.

*"Excursion" shall mean a departure from an indicator range established for monitoring under this paragraph, consistent with any averaging period specified for averaging the results of the monitoring.

**"Exceedance" shall mean a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission

limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

These certifications shall be submitted within 60 days after the end of each calendar year.

These certifications shall be submitted to: Tennessee Division of Air Pollution Control TN APCD and EPA

The Technical Secretary
Division of Air Pollution Control
ATTN: East Tennessee Permit Program
9th Floor, L & C Annex
401 Church Street
Nashville, Tennessee 37243-1531

and

Air and EPCRA Enforcement Branch
US EPA Region IV
61 Forsyth Street, SW
Atlanta, Georgia 30303

40 CFR Part 70.6(c)(5)(iii) as amended in the Federal Register Vol.62, No.204, October 22, 1997, pages 54946 and 54947

01-0170-01	**Source Description**	**Four (4) Reciprocating Internal Combustion Engines:** Landfill gas fired. The engines (PES E1, E2, E3, and E4) are Caterpillar spark ignited, turbocharged, after-cooled units and are used for electricity generation. Each engine is rated at a nominal capacity of 11.25 million Btu per hour (combined capacity of 45.0 million Btu/ hour). Each engine has an individual emission stack (emission points E1S, E2S, E3S, and E4S).

Conditions E3-1 through E3-5 apply to source 01-0170-01

E3-1. The maximum heat input capacity for this source shall not exceed 45.0 million Btu per hour (total for all four engines). A construction permit must be obtained before exceeding this capacity.

E3-2. Particulate matter emitted from this source shall not exceed 0.26 pounds per million Btu (11.7 pounds per hour).

TAPCR 1200-3-6-.02(2)

Compliance Method: Compliance with this limit shall be assured by the emissions calculations on page 13 of Appendix A.4 of the permittee's initial Title V permit application dated August 27, 1997.

TAPCR 1200-3-9-.02(11)(e)1(iii)

E3-3. Sulfur dioxide emitted from this source shall not exceed 3.0 pounds per hour.

TAPCR 1200-3-26-.02(9)(g)(1) and Agreement letter dated April 4, 1997

Compliance Method: Compliance with this limit shall be assured by the emission calculations on page 7 of Appendix A.4 of the permittee's initial Title V permit application dated August 27, 1997.

TAPCR 1200-3-9-.02(11)(e)1(iii)

E3-4. Visible emissions from the engines shall not exceed 20 percent opacity as determined by EPA Method 9, as published in the current 40 CFR 60, Appendix A (6 minute average).

TAPCR 1200-3-5-.03(6)

Compliance Method: Compliance with this condition shall be determined by the procedures of the Division's Opacity Matrix dated June 18, 1996 (enclosed as Attachment 1).

TAPCR 1200-3-9-.02(11)(e)1(iii)

E3-5. Only landfill gas shall be used as fuel for this source.

01-0170-02	**Source Description**	**Landfill:** The landfill is subject to the New Source Performance Standards (NSPS) for municipal solid waste landfills and to the MACT requirements of 40 CFR 63 Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. Landfill gas emissions are collected by an active gas system and are either controlled by one or more of the open flares (emission point OF1S, OF2S, etc.) or treated at the gas plant treatment system. Treated landfill gas is subsequently used by the I.C. engines (Source 01-0170-01).

Conditions E4-1 through E4-20 apply to source 01-0170-02

E4-1. Landfill gas not controlled with an open flare is treated and used by any of the four (4) internal combustion engines at the Chestnut Ridge Landfill gas plant. Because this system constitutes a "gas treatment system" as defined by §60.752(b)(2)(iii)(C), the four engines are not subject to the requirements of §60.752(b)(2)(iii)(B) for enclosed combustion devices. In accordance with §60.752(b)(2)(iii)(C), all emissions from any atmospheric vent from the gas treatment system are still subject to the requirements of §60.752(b)(2)(iii)(A) and (B).

E4-2. The existing landfill gas collection system is partially controlled by one or more open (utility) flares at the Chestnut Ridge Landfill. Open flares are subject to TAPCR 1200-3-16-.01(11) and §60.18 which require the following for flares:

(a) The flare shall be designed for and operated with no visible emissions as determined by Reference Method 22 with a consecutive two-hour observation period, except for periods not to exceed a total of five minutes during any two consecutive hours.

(b) The flare shall be operated with a flame present at all times. The presence of a flare pilot or the flame itself shall be monitored using a thermocouple or some other equivalent device. At any time that a flame is not present at the flare tip, the system should be shut down immediately;

(c) The net heating value of the gas being combusted must be 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or the net heating value of the gas being combusted must be 7.45 MJ/scm (200 Btu/scf) or greater for non-assisted flares. The net heating value of the gas being combusted shall be determined by the methods specified in TAPCR 1200-3-16-.01(11)(f); and

(d) **(i)** Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in TAPCR 1200-3-16-.01(11)(f)4 less than 18.3 m /sec (60 ft/ sec), except as provided in (ii) and (iii) below.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in TAPCR 1200-3-16-.01(11)(f)4 equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in TAPCR 1200-3-16-.01(11)(f)4 less than velocity, Vmax, as determined by the method specified in TAPCR 1200-3-16-.01(11)(f)5 and less than 122 m/sec (400 ft/sec) are allowed.

(e) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, Vmax, as determined by the methods specified in TAPCR 1200-3-16-.01(11)(f)6.

(f) Flares shall be steam-assisted, air-assisted, or nonassisted.

TAPCR 1200-3-16-.01(11)(b), (c), (d), (e), and (f) and 1200-3-16-.76; §60.752 and §60.18

Compliance Method: Compliance shall be assured by a flare performance test as required by Condition E4-10 (new or reconstructed flares only) and by the operation and monitoring of control equipment required by Condition E4-3.

TAPCR 1200-3-9-.02(11)(e)1.(iii)

E4-3. For open flares, the installation, calibration, maintenance, and operation of the following equipment is required:

(a) The flare shall be operated with a flame present at all times. The presence of a flare pilot or the flame itself shall be monitored using a thermocouple or some other equivalent device. At any time that a flame is not present at the flare tip, the system shall be shut down immediately (see notes);

(b) The open flares used to control landfill gas emissions at this facility do not utilize a bypass line, and the NSPS requirement to record the bypass of the flare does not apply to this facility. Except as noted in Condition E4-1, the permittee shall not modify the gas collection system to allow bypass of the flare.

TAPCR 1200-3-16-.76; §60.756(c)

Compliance Method: Compliance with this condition shall be assured as specified in §60.756(c) or in notes below.

TAPCR 1200-3-9-.02(11)(e)1.(iii)

Notes: The permittee has proposed an alternative per §60.752(b)(2)(i)(B) and stated in the landfill gas collection and control system design plan (referenced on page III-2 of Appendix D of the application dated August 27, 1997) that the gas flow rate be measured and recorded and used as a surrogate for the indicator of flame presence at the flare. Upon loss of flame at the flare, the ultraviolet flame scanner at the flare shuts down the blower and closes the blower inlet control valve. The scanner also locks-out the motor of the blower to prevent restart until the pilot flame presence is confirmed. If the scanner fails to operate, a temperature controller is available as a backup. Upon a loss of temperature at the flare tip, the temperature controller is also capable of shutting down the flow of gas to the flare. The flare system will then initiate automatic restart procedures to re-establish the flare flame. The flow records shall be reviewed on a monthly basis and any periods of zero flow shall correspond to periods of time when the flare flame was not present. The gas flow rate and periods of zero flow shall be recorded to comply with Condition E4-3(a).

E4-4. The permittee shall operate each interior wellhead in the collection system with a negative pressure except as noted in §60.753(b), a landfill gas temperature less than 55° C (131° F), and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The permittee may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

(a) The nitrogen level shall be determined using Method 3C, unless an alternative test method is established as allowed by §60.752(b)(2)(i).

(b) Unless an alternative test method is established as allowed by §60.752(b)(2)(i), the oxygen level shall be determined by an oxygen meter using Method 3A except as provided in §60.753(c)(2).

TAPCR 1200-3-16-.76; §60.753(b) and (c)

Compliance Method: Compliance shall be assured by the monitoring and recordkeeping required by Condition E4-5 and the following note.

Note: Per 1200-3-16-.76 and 40 CFR 60.752(b)(2)(i)(B), the permittee has presented an alternative to NSPS for (b) of this condition (reference page III-1 of Appendix D of the initial Title V permit application dated August 27, 1997) that the oxygen concentration of the landfill gas be measured by Method 3C. The facility has an on-site gas chromatograph for analyzing gas samples. This monitoring method shall be used to comply with Condition E4-4(b).

TAPCR 1200-3-9-.02(11)(e)1.(iii)

E4-5. The permittee shall install a sampling port and a thermometer or other temperature measuring device, or an access port for temperature measurements at each wellhead and:

(a) Measure the gauge pressure in the gas collection header at each individual well on a monthly basis as provided in §60.755(a)(3). If positive pressure exists, corrective action shall be initiated within 5 calendar days to correct the exceedance as specified in §60.755(a)(3). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Technical Secretary for approval. The alternative must include a justification of any proposed exceedance of the corrective action timeline prescribed by §60.755(a)(3). As long as the specified actions of this condition are taken and the alternative timeline (if applicable) is approved by the Technical Secretary, the exceedance is not a violation of the operational requirements of §60.755(a)(3);

(b) Monitor the temperature of the landfill gas and the nitrogen or oxygen concentration in the landfill gas at each well on a monthly basis as provided in §60.755(a)(5). If a well exceeds either the nitrogen or oxygen operating parameters or the temperature operating parameter of Condition E4-4, action shall be initiated to correct the exceedance within 5 calendar days as specified in §60.755(a)(5). If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Technical Secretary for approval. The alternative must include a justification of any proposed exceedance of the corrective action timeline prescribed by §60.755(a)(5). As long as the specified actions of this condition are taken and the alternative timeline (if applicable) is approved by the Technical Secretary, the exceedance is not a violation of the operational requirements of §60.755(a)(5).

The compliance provisions of this condition apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed one (1) hour for the control device.

TAPCR 1200-3-16-.76; §§ 60.755(a)(3) and (5), 60.755(e), 60.753(g), and 60.756(a)

Compliance Method: Compliance shall be assured by maintaining a log of monthly monitoring of the operating parameters specified in this condition.

TAPCR 1200-3-9-.02(11)(e)1.(iii)

E4-6. The permittee shall operate the landfill gas collection system such that gas is collected from each area, cell, or group of cells in which solid waste has been in place for:

(a) 5 years or more if active; or

(b) 2 years or more if closed or at final grade

For expansion of the existing gas collection system, each new well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period specified in (a) or (b) of this condition.

TAPCR 1200-3-16-.76; §§ 60.753(a) and 60.755(b)

Compliance Method: Compliance shall be assured by the recordkeeping required by Condition E4-12(d).

TAPCR 1200-3-9-.02(11)(e)1.(iii)

E4-7. The permittee shall operate the landfill gas collection system such that all collected gases are vented to the control system designed and operated in compliance with §60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas shall be closed within 1 hour. The control system shall be operated at all times when the collected gas is routed to the system.

TAPCR 1200-3-16-.76; §§ 60.753(e) and (f)

Compliance Method: Compliance shall be assured by the recordkeeping required by Conditions E4-12(b), (c), and (d).

TAPCR 1200-3-9-.02(11)(e)1.(iii)

E4-8. **(a)** The permittee shall operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill as specified in Section §60.753(d). Surface testing shall be conducted around the perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site specific established spacing) and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover, on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in Section §60.755(d). The permittee may establish an alternative traversing pattern that ensures equivalent coverage. Per §60.753(d), areas with steep slopes or other dangerous areas may be excluded from the surface testing. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells. Surface monitoring shall be performed in accordance with Section 4.3.1 of Method 21 of Appendix A of Part 60; except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions. A surface monitoring design plan that includes an updated topographical map with the surface monitoring route and the rationale for any site-specific deviations from the 30-meter monitoring intervals shall be maintained at the facility. Except as exempted by §60.753(d), surface monitoring shall be conducted at each area, cell, or group of cells in which the initial solid waste has been placed for a period of five years or more.

Areas that may be excluded from monitoring include:

(i) Areas of the landfill with high volumes of equipment traffic, where traffic hazards pose an unacceptable health and safety risk.

(ii) Areas of the landfill with slopes equal to or greater than 3:1 (horizontal to vertical). Steep slopes pose a safety hazard to the individual traversing them.

(iii) Areas with snow cover. Snow covered areas are difficult to traverse and are a slipping hazard for monitoring personnel.

(iv) Ice covered slopes. Ice covered slopes pose a slipping hazard for monitoring personnel.

(From gas plan referenced in initial Title V permit application dated August 27, 1997).

(b) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in E4-8(b)(i) through (v) shall be taken. As long as the following specified actions are taken, the exceedance is not a violation of the operational requirements of §60.753(d).

(i) The location of each monitored exceedance shall be marked and the location recorded.

(ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.

(iii) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in E4-8(b)(v) shall be taken, and no further monitoring of that location is required until the action specified E4-8(b)(v) has been taken.

(iv) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in E4-8(b)(ii) or (iii) shall be re-monitored no later than one (1) month from the initial exceedance. If the one-month remonitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the one-month remonitoring shows an exceedance, the actions specified in E4-8(b)(iii) or (v) shall be taken.

(v) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Technical Secretary for approval.

(c) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

The compliance provisions of this condition apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for the control devices.

TAPCR 1200-3-16-.76; §§ 60.753(d) and 60.755(c) and (e)

Compliance Method: Compliance shall be assured by maintaining a log of the monitoring requirements specified in this condition.

TAPCR 1200-3-9-.02(11)(e)1.(iii)

Note: The gas monitoring may be rescheduled if it cannot be conducted because of cold temperatures or extreme precipitation conditions. The reason for rescheduling the monitoring event shall be recorded in the surface monitoring log to be maintained at the facility and the monitoring shall be rescheduled as soon as possible after the original scheduled date.

E4-9. Except as provided in §60.752(b)(2)(i)(B), the permittee shall keep up-to-date, readily accessible, on-site records of the design capacity report which triggered §60.752(b), the current amount of solid waste in place, and the year by year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. Records shall be maintained for at least five (5) years.

TAPCR 1200-3-16-.76 and §60.758(a)

E4-10. For all new or reconstructed flares installed at this source, an initial open flare performance test shall be conducted in accordance with TAPCR 1200-3-16-.01(11) and §60.8. The performance test shall include an initial visible emissions evaluation, and the test results shall be included in the report required by Condition E4-16. At least ten (10) days prior to conducting the performance test, the Technical Secretary shall be given notice of the test date.

E4-11. Except as provided in §60.752(b)(2)(i)(B), the source shall keep the following records for the life of the control equipment (open flare) as measured during the most recent performance test:

(a) The flare type (i.e. steam-assisted, air-assisted, or nonassisted);

(b) All visible emission readings;

(c) The heat content determination;

(d) Flow rate or bypass flow rate measurements; and

(e) Exit velocity determinations made during the most recent flare performance test;

(f) Continuous records of the of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent (see note below);

(g) The maximum expected gas generation flow rate as calculated in §60.755(a)(1) and the density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in §60.759(a)(1).

Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of control device vendor specifications shall be maintained until removal.

TAPCR 1200-3-16-.76 and §§ 60.758(b)(1) and (4)

Note: The permittee shall comply with E4-11(f) as specified in §60.756(c) (see Condition E4-3) or as specified in the following alternative: The permittee has proposed an alternative per §60.752(b)(2)(i)(B) and stated in the landfill gas collection and control system design plan (referenced on page III-2 of Appendix D of the initial Title V permit application dated August 27, 1997) that the gas flow rate be measured and recorded and used as a surrogate for the indicator of flame presence at the flare. Upon loss of flame at the flare, the ultraviolet flame scanner at the flare shuts down the blower and closes the blower inlet control valve. The scanner also locks-out the motor of the blower to prevent restart until the pilot flame presence is confirmed. If the scanner fails to operate, a temperature controller is available as a backup. Upon a loss of temperature at the flare tip, the temperature controller is also capable of shutting down the flow of gas to the flare. The flare system will then initiate automatic restart procedures to re-establish the flare flame. The flow records shall be reviewed on a monthly basis and any periods of zero flow shall correspond to periods of time when the flare flame was not present. The gas flow rate and periods of zero flow shall be recorded to comply with Condition E4-11(f).

E4-12. Except as provided in §60.752(b)(2)(i)(B), the following records shall be maintained for at least five (5) years and made available for inspection upon request:

(a) Continuous records of the equipment operating parameters specified to be monitored in §60.756 (see Conditions E4-3, E4-3, and E4-7) as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded;

(b) Records of the flame or flare pilot flame monitoring specified under §60.756(c) (see Condition E4-3), and all periods of operation in which the flame or flare pilot flame is absent (see note); and

(c) Records of all collection and control system exceedances of the operational standards outlined in §60.753 (see Conditions E4-4, E4-6, E4-7, and E4-8), the reading in the subsequent month, whether or not the second reading is an exceedance, and the location of each exceedance.

TAPCR 1200-3-16-.76 and §§ 60.758(c) and (e)

Note: The permittee shall comply with E4-12(c) as specified in §60.756(c) (see Condition E4-3) or as specified in the following alternative: The permittee has proposed an alternative per §60.752(b)(2)(i)(B) and stated in the landfill gas collection and control system design plan (referenced on page III-2 of Appendix D of the initial Title V permit application dated August 27, 1997) that the gas flow rate be measured and recorded and used as a surrogate for the indicator of flame presence at the flare. Upon loss of flame at the flare, the ultraviolet flame scanner at the flare shuts down the blower and closes the blower inlet control valve. The scanner also locks-out the motor of the blower to prevent restart until the pilot flame presence is confirmed. If the scanner fails to operate, a temperature controller is available as a backup. Upon a loss of temperature at the flare tip, the temperature controller is also capable of shutting down the flow of gas to the flare. The flare system will then initiate automatic restart procedures to re-establish the flare flame. The flow records shall be reviewed on a monthly basis and any periods of zero flow shall correspond to periods of time when the flare flame was not present. The gas flow rate and periods of zero flow shall be recorded to comply with Condition E4-12(c).

E4-13. **MACT Requirements**. 40 CFR 63 Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste landfills.

(a) The permittee must comply with all applicable requirements of 40 CFR Part 63 Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills as required by 40 CFR §§ 63.1930 – 63.1990. Compliance with this condition does not relieve the permittee of the responsibility to comply with all applicable requirements of 40 CFR Part 63 Subpart AAAA.

(b) The permittee shall comply with all requirements of 40 CFR 63.6, Compliance with Standards and Maintenance Requirements, and 40 CFR 63.10(b), General Recordkeeping and Reporting Requirements. This includes the requirement to develop and implement a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the standards as required by §63.1960.

The plan must include the following minimum plan elements:

(i) Procedures to determine and record the cause of the malfunction and the time the malfunction began and ended; and

(ii) Corrective actions to be taken in the event of a malfunction of a process or control device, including procedures for recording the actions taken to correct the malfunction or minimize emissions.

(c) *Periodic startup, shutdown, and malfunction reports*. If actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan (see §63.6(e)(3)), the owner or operator shall state such information in a startup, shutdown, and malfunction report. Such a report shall identify any instance where any action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the affected source's startup, shutdown, and malfunction plan, but the source does not exceed any applicable emission limitation in the relevant emission standard. Such a report shall also include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner, operator, or other responsible official who is certifying its accuracy. The startup, shutdown, and malfunction report shall be submitted with the semiannual report required by Condition E4-15.

40 CFR §§ 63.10(d)(5)(i)

(d) *Immediate startup, shutdown, and malfunction reports*. At any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph (d)(5)(ii) shall consist of a telephone call (or facsimile transmission) to the Technical Secretary within 2 working days after commencing action inconsistent with the plan, and the report shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event. The letter shall contain the name, title, and signature of the owner, operator, or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred.

40 CFR §§ 63.10(d)(5)(ii)

40 CFR §§ 63.6, 63.1960, 63.1980

E4-14. **Title V Semiannual Report**. The permittee shall submit a semiannual compliance monitoring report to this office within 60 days after the end of each reporting period identified in Condition E2(a) of this permit. Each report must include the following:

(a) A record of any time periods during the reporting period during which a wellhead was operating at a positive pressure;

(b) A record of any time periods during the reporting period during which a wellhead was operating at a landfill gas temperature greater than 55° C;

(c) A record of any time periods during the reporting period during which a wellhead was operating with a nitrogen level greater than 20 percent or an oxygen level greater than 5 percent;

(d) A record of any time periods during the reporting period during which a flame was not present on the open flare. The record must include the nature of the malfunction, and any corrective actions taken (see note); and

(e) A record of any time periods during the reporting period during which a surface methane reading exceeded 500 parts per million above background.

TAPCR 1200-3-9-.02(11)(e)1(iii)

Note: The permittee shall comply with E4-15(e) as specified in §60.756(c) (see Conditions E4-4 and E4-13) or as specified in the following alternative: The permittee has proposed an alternative per §60.752(b)(2)(i)(B) and stated in the landfill gas collection and control system design plan (referenced on page III-2 of Appendix D of the initial Title V permit application dated August 27, 1997) that the gas flow rate be measured and recorded and used as a surrogate for the indicator of flame presence at the flare. Upon loss of flame at the flare, the ultraviolet flame scanner at the flare shuts down the blower and closes the blower inlet control valve. The scanner also locks-out the motor of the blower to prevent restart until the pilot flame presence is confirmed. If the scanner fails to operate, a temperature controller is available as a backup. Upon a loss of temperature at the flare tip, the temperature controller is also capable of shutting down the flow of gas to the flare. The flare system will then initiate automatic restart procedures to re-establish the flare flame. The flow records shall be reviewed on a monthly basis and any periods of zero flow shall correspond to periods of time when the flare flame was not present. Periods of time with zero gas flow to the flare shall be submitted in the semiannual report to comply with Condition E4-15(e).

E4-15. **NSPS and MACT Semiannual Report.** The permittee shall submit a semiannual report of the recorded information outlined below. The report shall be due within 60 days after the end of each reporting period identified in Condition E2(a) of this permit. Each report must include the following:

(a) Value and length of time for exceedance of applicable parameters monitored under §60.756(a) and (c) (see Conditions E4-3 and E4-5);

(b) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating (see note);

(c) All periods when the collection system was not operating in excess of 5 days;

(d) The location of each exceedance of the 500 parts per million methane concentration as provided in §60.753 (d) (see Condition E4-8) and the concentration recorded at each location for which an exceedance was recorded in the previous month; and

(e) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs (a)(3), (b), and (c)(4) of §60.755 (see Conditions E4-5(a), E4-6, and E4-8(b)).

(f) Startup, shutdown, and malfunction reports required by Condition E4-13(c).

TAPCR 1200-3-16-.76; §60.757(f)

The exceedances reported for this condition do not automatically constitute a violation of the requirements of TAPCR 1200-3-16-.76 provided that good operational practices are utilized for the collection and control system.

Note: The permittee shall comply with E4-15(c) as specified in §60.756(c) (see Conditions E4-3 and E4-12) or as specified in the following alternative: The permittee has proposed an alternative per §60.752(b)(2)(i)(B) and stated in the landfill gas collection and control system design plan (referenced on page III-3 of Appendix D of the initial Title V permit application dated August 27, 1997) that the gas flow rate be measured and recorded and used as a surrogate for the indicator of flame presence at the flare. Upon loss of flame at the flare, the ultraviolet flame scanner at the flare shuts down the blower and closes the blower inlet control valve. The scanner also locks-out the motor of the blower to prevent restart until the pilot flame presence is confirmed. If the scanner fails to operate, a temperature controller is available as a backup. Upon a loss of temperature at the flare tip, the temperature controller is also capable of shutting down the flow of gas to the flare. The flare system will then initiate automatic restart procedures to re-establish the flare flame. The flow records shall be reviewed on a monthly basis and any periods of zero flow shall correspond to periods of time when the flare flame was not

present. Periods of time with zero gas flow to the flare for more than one hour shall be submitted in the semiannual report to comply with Condition E4-15(c).

E4-16. Except as provided in §60.752(b)(2)(i)(B), the permittee shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

(a) The permittee shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified in §60.755(b) (see Condition E4-6).

(b) The permittee shall keep up-to-date, readily accessible records of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in §60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in §60.759(a)(3)(ii).

TAPCR 1200-3-16-.76; §60.758(d)

E4-17. If the controlled landfill ceases operation, the permittee shall submit to the Technical Secretary a closure report within 30 days of waste acceptance cessation. The Technical Secretary may request additional information as may be necessary to verify that permanent closure has taken place. If a closure report has been submitted to the Technical Secretary, no additional wastes may be placed into the landfill without filing a notification of modification as described under §60.7(a)(4).

TAPCR 1200-3-16-.76; §60.757(d)

E4-18. The permittee shall submit an equipment removal report to the Technical Secretary 30 days prior to the removal or cessation of operation of the control equipment. The report shall contain the following items:

(a) A copy of the closure report submitted in accordance with §60.757(d) (see Condition E4-17);

(b) A copy of the initial performance test report demonstrating that the 15 year minimum control period has expired; and

(c) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year.

The Technical Secretary may request additional information as may be necessary to verify that all of the conditions for removal specified in Condition E4-19 have been met.

TAPCR 1200-3-16-.76; §60.757(e)

E4-19. The collection and control system may be capped or removed provided that all of the following conditions are met:

(a) The landfill shall be a closed landfill as defined in §60.751. A closure report shall be submitted to the Technical Secretary as provided in §60.757(d) (see Condition E4-18);

(b) The collection and control system shall have been in operation a minimum of 15 years; and

(c) Following the procedures specified in §60.754(b), the calculated NMOC gas produced by the landfill shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

TAPCR 1200-3-16-.76; §60.752(b)(2)(v)

END OF PERMIT NUMBER 556484

ATTACHMENT 1

OPACITY MATRIX DECISION TREE for VISIBLE EMISSION EVALUATION METHOD 9 dated JUNE 18, 1996

Decision Tree PM for Opacity for Sources Utilizing EPA Method 9

Notes:

PM = Periodic Monitoring required by 1200-3-9-.02(11)(e)(iii).

This Decision Tree outlines the criteria by which major sources can meet the periodic monitoring and testing requirements of Title V for demonstrating compliance with the visible emission standards in paragraph 1200-3-5-.01. It is not intended to determine compliance requirements for EPA's Compliance Assurance Monitoring (CAM) Rule (formerly referred to as Enhanced Monitoring – Proposed 40 CFR 64).

Examine each emission unit using this Decision Tree to determine the PM required.

Use of continuous emission monitoring systems eliminates the need to do any additional periodic monitoring.

Visible Emission Evaluations (VEEs) are to be conducted utilizing EPA Method 9. The observer must be properly certified to conduct valid evaluations.

Typical Pollutants
Particulates, VOC, CO, SO_2, NO_x, HCl, HF, HBr, Ammonia, and Methane.

Initial observation to be repeated within 90 days of startup of a modified source, if a new construction permit is issued for modification of the source.

A VEE conducted by TAPCD personnel after the Title V permit is issued will also constitute an initial reading.

Reader Error
EPA Method 9, Non-NSPS or NESHAPS stipulate opacity standards: The TAPCD guidance is to declares non-compliance when the highest six-minute average** exceeds the standard plus 6.8% opacity (e.g. 26.8% for a 20% standard).

EPA Method 9, NSPS or NESHAPS stipulate opacity standards: EPA guidance is to allow only engineering round. No allowance for reader error is given.

*Not applicable to Asbestos manufacturing subject to 40 CFR 61.142

**Or second highest six-minute average, if the source has an exemption period stipulated in either the regulations or in the permit.

Amended June 7, 2004 AEP